

SURVEY OF FEES FOR SERVICE OF NON-ENFORCEABLE CIVIL PROCESS BY GOVERNMENT OFFICERS

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Prepared for the Michigan Legislature for review with SB-1043 by:

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The following nationwide survey of civil process serving fees is based on a review of state statutes available through LEXIS/NEXIS and the published fee schedules of constables and sheriffs departments. This survey does not include private process server fees, only fees for service by government officers of the most common forms of "non-enforceable" civil process, such as a summons or subpoena. (These are also the forms of civil process most often served by private process servers.) Fees for service of "enforceable" civil process, such as evictions or seizure of assets to enforce judgments, are not included because service of these documents is required to be done by government officers.

This chart shows that Michigan's current statutory process serving fees rank among the lowest in the nation and would remain so under the modest \$2.00 fee increases proposed in SB-1043. Further, the proposed fee increase does not keep pace with the rate of inflation since the last hike in 2006. The proposed revised fees actually represent a fee cut in inflation-adjusted dollars. Current state laws (MCL 600.2555 and 600.2559) requiring private-sector and government fees to be identical perpetuates an unjustifiable government-sanctioned price-fixing scheme that discourages competition and blocks innovation.

Michigan's private enterprise process servers are forced under the threat of criminal and civil prosecution to charge unprofitable and artificially low fees because (a) the state government has chosen as a matter of policy to subsidize the private legal expenses of prosperous litigants such as financial institutions and major corporations and (b) government agencies and their contractors seek to limit competition. Michigan's current statutory process serving fee structure is not built on any rational economic foundation because even government agencies cannot recoup their actual costs of delivering services. In essence, Michigan's current system is just another form of corporate welfare. Further, the resources of law enforcement agencies should not be burdened to satisfy civil issues between two private parties.

Most states do not regulate private-sector process serving fees. There is no sound policy justification for Michigan's government to block private enterprise from providing value-added competitive services in this area if other private parties mutually agree to pay negotiated prices. Michigan government should not interfere in private business decisions that do not harm the taxpayers in any way. It also should not force private businesses to operate unprofitably so government agencies that are bankrolled by taxpayers and produce lower levels of service can be immune from competition.

FEES: SB-1043 proposes a \$2.00 fee increase for each of the service of fees specified in Section 2559 (1)(a) through (1)(o).
(Note: Section 2559 (1)(i) and (j) provide only for an increase in seizure fees.)

THE FEES PROPOSED IN SB-1043 REPRESENT A SIGNIFICANT REDUCTION IN SERVICE OF PROCESS FEES.

The following chart shows the actual financial effect of the proposed fees when measured with inflation-adjusted dollars from the last fee increase in 2006.

TYPE OF PROCESS	CURRENT FEES	2012 INFLATION ADJUSTED DOLLARS	CURRENT LOSS IN DOLLARS	SB-1043 PROPOSED FEES	DOLLAR CHANGE FROM ACTUAL 2012 COST	TOTAL PERCENT CHANGE
SUMMONS & COMPLAINT	\$21.00	\$23.97	-2.97	\$23.00	-0.97	-4.05%
AFFIDAVIT OF ACCOUNT	\$21.00	\$23.97	-2.97	\$23.00	-0.97	-4.05%
GARNISHMENT	\$18.00	\$20.54	-2.54	\$20.00	-0.54	-2.63%
CLAIM & DELIVERY SEIZURE	\$35.00	\$39.95	-4.95	\$37.00	-2.95	-7.38%
CLAIM & DELIVERY BOND	\$15.00	\$17.12	-2.12	\$17.00	-0.12	-0.12%
ORDER TO SHOW CAUSE	\$21.00	\$23.97	-2.97	\$23.00	-0.97	-4.05%
LEVY/SEIZURE*	\$35.00	\$39.95	-4.95	\$37.00	-2.95	-7.38%
NOTICE OF SALE	\$21.00	\$23.97	-2.97	\$23.00	-0.97	-4.05%
EVICITION ORDER	\$35.00	\$39.95	-4.95	\$37.00	-2.95	-7.38%
SUBPOENA	\$21.00	\$23.97	-2.97	\$23.00	-0.97	-4.05%
BENCH WARRANT	\$35.00	\$39.95	-4.95	\$37.00	-2.95	-7.38%
MAIL SERVICE	\$8.00	\$9.13	-1.13	\$10.00	0.87	9.53%
INCORRECT ADDRESS	\$10.00	\$11.41	-1.41	\$10.00	-1.41	-12.36%

(*This chart does not include additional fees from the proposed escalation of commissions for serving executable process, which applies only to sheriffs and court officers.)

The proposed fee increases do not keep pace with inflation and rising fuel costs or cover the inflationary effects and rise in cost-of-living since 2006.

STATE	SUMMONS	SUBPOENA	GARNISHMENT	ORDERS	ADDITIONAL MILEAGE CHARGE	BAD ADDRESS OR NOT FOUND	EXTRA FEE FOR OUT-OF-STATE
Michigan	\$21	\$21	\$18	\$21	Yes	\$10	Not specified
Alabama	\$10	\$10	\$10	\$10	Yes	Not specified	\$50
Alaska	\$45	\$45	\$45	\$45	Yes (\$20 minimum)	\$30/hr to locate person	Not specified
Arizona	\$24	\$24	\$48	\$24	Yes (\$2.40/mi)	Full Service Fee	Not specified
Arkansas	\$30	\$30	\$30	\$30	No	Not specified	Not specified
California	\$35	\$35	\$35	\$35	No	\$35	Varies \$35-\$47.25
Colorado (City of Broomfield)	\$35	\$60	\$20	\$35	Yes	\$20	Not specified
Colorado (Clear Creek Co.)	\$35	\$60	\$20	\$35	Yes	\$20	Not specified
Colorado (Denver Co.)	\$35	\$60	\$20	\$35	Yes	\$20	Not specified
Colorado (Laramer Co.)	\$35	\$60	\$20	\$35	Yes	\$20	Not specified
Colorado (Mesa Co.)	\$35	\$60	\$20	\$35	Yes (\$7.50-33.00)	\$20	Not specified
Colorado (Pueblo Co.)	\$35	\$60	\$20	\$35	Yes (Each attempt +\$5.00)	\$20	Not specified
Connecticut	\$30	\$30	\$30	\$30	Yes	Not specified	Not specified
Delaware	\$30	\$30	\$30	\$30	Yes	\$25	\$75
District of Columbia	FREE MARKET	FREE MARKET	FREE MARKET	FREE MARKET	FREE MARKET	FREE MARKET	FREE MARKET
Florida	\$40	\$40	\$40	\$40	No	Full Service Fee	\$80
Georgia	\$50	\$10	\$50	\$50	No	\$20	Not specified
Hawaii*	\$25	\$25	\$15	\$25	Yes	\$5	\$25
Idaho	\$70	\$70	\$70	\$70	Yes	\$60	Not specified
Illinois (Ogle Cnty)	\$60	\$60	\$60	\$60	Yes/Additional	\$60	\$60
Illinois (3rd class counties)	\$35	\$35	\$35	\$35	Yes (\$10 flat)	\$35	\$35
Illinois (Bond Cnty)	\$39/\$69	\$39/\$69	\$39/\$69	\$39/\$69	Yes/Included	\$39/\$69	\$39/\$69
Illinois (Chicago/Cook Cnty)	\$60	\$60	\$60	\$60	No/Flat Rate	\$60	\$60
Illinois (Kankakee Cnty)	\$21-\$118	\$21-\$118	\$21-\$118	\$21-\$118	Yes/Included	\$21-\$118	\$21-\$118
Illinois (Sangamon Cnty)	\$42	\$42	\$42	\$42	No/Flat Rate	\$42	\$42
Illinois (Will Cnty)	\$40-\$79	\$40-\$79	\$40-\$79	\$40-\$79	Yes/Included	\$40-\$79	\$40-\$79
Indiana	\$13	\$13	\$13	\$13	No	Not specified	\$60
Iowa	\$15	\$20	\$15	\$15	Yes	Repayment of Expenses	\$15
Kansas	\$10	\$10	\$10	\$10	No	\$10	\$50
Kentucky (Bourbon Cnty)	\$65	\$65	\$65	\$65	No	Not specified	\$65
Kentucky (Clarke Cnty)	\$50	\$50	\$50	\$50	No	Not specified	\$50
Kentucky (state minimum)	\$40	\$40	\$40	\$40	No	\$40	\$40
Kentucky (Warren Cnty)	\$50	\$50	\$40	\$50	No	Not specified	\$50
Louisiana (Baton Rouge Constables)	\$50	\$50	\$140	\$50	Yes	Not specified	Not specified
Louisiana (Constables)	\$20	\$20	\$40	\$20	Yes	Not specified	Not specified
Louisiana (New Orleans Constables)	\$20	\$20	\$140	\$40	Yes	Not specified	Not specified

STATE	SUMMONS	SUBPOENA	GARNISHMENT	ORDERS	ADDITIONAL MILEAGE CHARGE	BAD ADDRESS OR NOT FOUND	EXTRA FEE FOR OUT-OF-STATE
Michigan	\$21	\$21	\$18	\$21	Yes	\$10	Not specified
Louisiana (Sheriffs)	\$20	\$20	\$20	\$30	Yes	Not specified	\$50
Maine (minimum statute fee)	\$16	\$16	\$16	\$16	Yes	\$10	Not specified
Maine (Penobscot County)	\$40-\$50	\$40-\$50	\$40-\$50	\$40-\$50	Yes	Not specified	Not specified
Maryland	\$40	\$40	\$40	\$40	No	50% of Service Fee	\$60
Massachusetts	\$20-\$30	\$22	\$20	\$20	Yes	Not specified	Not specified
Michigan	\$21	\$21	\$18	\$21	Yes	\$10	Not specified
Minnesota (Beltrami Co.)	\$50	\$50	\$50	\$50	Yes	\$50	\$50
Minnesota (Carver Co.)	\$35	\$35	\$35	\$35	Yes	\$35	\$35
Minnesota (Cass Co.)	\$75	\$75	\$75	\$75	No	\$75	\$75
Minnesota (Crow Wing Co.)	\$70	\$70	\$70	\$70	No	\$70	\$70
Minnesota (Dakota Co.)	\$65	\$65	\$65	\$65	No	\$65	\$65
Minnesota (Hennepin Co.)	\$70	\$70	\$70	\$70	No	\$70	\$100
Minnesota (Ramsey Co.)	\$30	\$30	\$60	\$30	Yes	\$30	\$30
Minnesota (Scott Co.)	\$70	\$70	\$70	\$70	No	\$70	\$70
Minnesota (Steele Co.)	\$75	\$75	\$75	\$75	No	\$75	\$75
Mississippi	\$35	\$35	\$35	\$35	No	\$35	\$35
Missouri (Boone Co.)	\$30	\$20	\$30	\$30	Yes	Not specified	\$30
Missouri (Clay Co.)	\$50	\$50	\$50	\$50	No	\$50	\$50
Missouri (Jefferson Co.)	\$30	\$20	\$50	\$30	Yes	\$20	Not specified
Missouri (Morgan Co.)	\$30	\$20	\$50	\$30	Yes	\$30	\$30
Missouri (St. Louis City)	\$30	\$30	\$30	\$30	No	\$30	\$33
Montana (Flathead Co.)	\$90	\$90	\$90	\$90	No	\$90	\$90
Montana (Gallatin Co.)	\$70	\$70	\$175	\$70	No	\$70	\$70
Montana (Lewis & Clark Co.)	\$65	\$65	\$100	\$65	No	\$65	\$65
Montana (Missoula Co.)	\$50	\$50	\$50	\$50	No	\$50	\$50
Montana (Powell Co.)	\$70	\$70	\$70	\$70	No	\$70	\$70
Montana (Silver Bow Co.)	\$65	\$65	\$100	\$65	No	\$65	\$65
Nebraska	\$18	\$18	\$18	\$18	Yes	\$18	\$50
Nevada	\$17	\$15	\$15	\$15	Yes (\$2.00/mile)	\$20	Not specified
New Hampshire	\$25	\$25	\$25	\$25	Yes	\$25	Not specified
New Jersey	\$24	\$24	\$50	\$24	Yes	Not specified	\$27
New Mexico	\$42	\$42	\$42	\$42	No	Full Service Fee	\$42
New York (Chataqua Co.)	\$15	\$15	\$70	\$45	Yes	Not specified	Not specified
New York (Courtland Co.)	\$45	\$45	\$60	\$45	Yes	Not specified	Not specified
New York (Erie Co.)	\$17	\$17	\$96	\$47	Yes	Not specified	Not specified

STATE	SUMMONS	SUBPOENA	GARNISHMENT	ORDERS	ADDITIONAL MILEAGE CHARGE	BAD ADDRESS OR NOT FOUND	EXTRA FEE FOR OUT-OF-STATE
Michigan	\$21	\$21	\$18	\$21	Yes	\$10	Not specified
New York (Genesee Co.)	\$32	\$32	\$86	\$32	Yes	Not specified	Not specified
New York (Monroe Co.)	\$15	\$15	\$90	\$45	Yes	Not specified	Not specified
New York (Niagara Co.)	\$30	\$10	\$47	\$45	Yes	Not specified	\$30
New York (NYC Sheriff)	\$42	\$42	\$42	\$42	Varies	\$42	\$42
New York (Onandaga Co.)	\$16	\$16	\$80	\$46	Yes	Not specified	Not specified
New York (Thompkins Co.)	\$17	\$17	\$49	\$30	Yes	Not specified	Not specified
North Carolina	\$30	\$30	\$30	\$30	No	Not specified	\$50-\$100
North Dakota	\$20	\$20	\$20	\$20	No	\$20	\$20
Ohio	\$6	\$10	\$10	\$6	Yes (\$1.00/mile)	Not specified	Same as in-state
Oklahoma	\$50	\$50	\$50	\$50	Varies	Not specified	\$50
Oregon	\$36	\$36	\$25	\$36	Yes	Not specified	Not specified
Pennsylvania (Allegheny Co.)	\$75	\$75	\$100	\$75	No	Not specified	\$85
Pennsylvania (Butler Co.)	\$75	\$75	\$250	\$75	No	Not specified	\$75
Pennsylvania (Cumberland)	\$100	\$100	\$150	\$100	No	Not specified	\$100
Pennsylvania (Montgomery Co.)	\$43	\$43	\$53	\$43	Varies	Not specified	\$50
Pennsylvania (Philadelphia Co.)	\$116	\$116	\$116	\$116	Yes/Included	Not specified	\$128
Pennsylvania (Sullivan Co.)	\$75	\$75	\$200	\$75	No	Not specified	Not specified
Pennsylvania (Westmoreland Co.)	\$125	\$125	\$200	\$125	No	Not specified	Not specified
Rhode Island	\$45	\$45	\$45	\$45	Yes/Included	\$15	\$100
South Carolina	\$15	\$10	\$15	\$15	No	Not specified	Not specified
South Dakota	\$25	\$10	\$25	\$25	Yes	Not specified	Not specified
Tennessee	\$26	\$26	\$26	\$26	No	\$9	Not specified
Texas (Aransas Co.)	\$125	\$125	\$200	\$200	No	Full Service Fee	Not specified
Texas (Colin Co.)	\$55	\$55	\$150	\$55/\$150	No	Full Service Fee	Not specified
Texas (Culberson Co.)	\$105	\$105	\$105	\$105	No	Full Service Fee	Not specified
Texas (Dallas Co.)	\$75	\$75	\$140	\$75	No	Full Service Fee	Not specified
Texas (El Paso Co.)	\$100	\$100	\$100	\$100	No	Full Service Fee	\$100
Texas (Harris Co.)	\$70	\$70	\$75	\$75	No	Full Service Fee	Not specified
Texas (Nueces Co.)	\$75	\$75	\$160	\$75	No	Full Service Fee	Not specified
Texas (San Augustine Co.)	\$125	\$125	\$125	\$125	No	Full Service Fee	Not specified
Texas (Tarrant Co.)	\$75	\$75	\$75	\$75	No	Full Service Fee	Not specified
Texas (Travis Co.)	\$70	\$70	\$105	\$70/\$130	No	Full Service Fee	Not specified
Texas (Wise Co.)	\$125	\$125	\$150	\$150	No	Not specified	Not specified
Utah (state minimum)	\$20	\$20	\$20	\$20	Yes (\$2.50/mile)	Mileage expense - \$2.50/mile	Not specified
Vermont	\$50	\$50	\$50	\$50	Yes	Not specified	\$50

STATE	SUMMONS	SUBPOENA	GARNISHMENT	ORDERS	ADDITIONAL MILEAGE CHARGE	BAD ADDRESS OR NOT FOUND	EXTRA FEE FOR OUT-OF-STATE
Michigan	\$21	\$21	\$18	\$21	Yes	\$10	Not specified
Virginia	\$12	\$12	\$12	\$12	No	Full Service fee & Mileage	\$75
Washington (Douglas Co.)	\$60	\$60	\$60	\$60	Yes (\$20.00 minimum)	Not specified	Not specified
Washington (King Co.)	\$53	\$63	\$63	\$63	Yes	Not specified	Not Specified
Washington (Kittikas Co.)	\$30	\$35	\$35	\$35	Yes	Not specified	Not Specified
Washington (Snohomish Co.)	\$53	\$69	\$69	\$69	Yes (\$10.00 minimum)	Not specified	\$200
Washington (Thurston Co.)	\$30	\$35	\$35	\$35	Yes	Not specified	\$200
Washington (Whatcom Co.)	\$45	\$50	\$45	\$45	Yes \$12.00 minimum)	Not specified	Not specified
West Virginia	\$25	\$25	\$25	\$25	No	Not specified	Not specified
Wisconsin (Brown Co.)	\$80	\$80	\$80	\$80	No	Full Service Fee	Not specified
Wisconsin (Calumet Co.)	\$45	\$45	\$45	\$45	Yes	Full Service Fee	Not specified
Wisconsin (Chippewa Co.)	\$55	\$55	\$75	\$55	No	Full Service Fee	Not specified
Wisconsin (Dane Co.)	\$40	\$40	\$40	\$40	Yes	Full Service Fee	Not specified
Wisconsin (Dane Co.)	\$40	\$40	\$40	\$40	Yes	Full Service Fee	Not specified
Wisconsin (Eau Claire Co.)	\$50	\$50	\$50	\$50	No	Full Service Fee	Not specified
Wisconsin (Manitowoc Co.)	\$40	\$40	\$40	\$40	No	Full Service Fee	Not specified
Wisconsin (Milwaukee Co.)	\$60	\$60	\$60	\$60	No	Full Service Fee	Not specified
Wisconsin (Rock Co.)	\$32	\$32	\$32	\$32	Yes	Full Service Fee	Not specified
Wyoming	\$50	\$50	\$50	\$50	No	\$50	\$50
FEDERAL - US MARSHALS	\$55/hr + mileage	\$55/hr + mileage	\$55/hr + mileage	\$55/hr + mileage	YES	\$55/hr + mileage	\$55/hr + mileage
NOTES:							
<p>* ALABAMA law establishes a minimum Fee, but many county sheriffs have authority to charge an additional \$20-\$50 per paper served</p> <p>* ARIZONA has statutory fees of \$2.40/mile (one-way) with a mileage cap of 200 miles..</p> <p>* ARIZONA law requires payment of the full service of process and mileage fees FOR EACH SERVICE ATTEMPT.</p> <p>* ARIZONA imposes an additional statutory fee of \$8.00 per paper served for Proofs of Service. This is included above.</p> <p>* ARIZONA has a statutory skiptracing fee of \$56 plus expenses to locate parties who must be served.</p> <p>* ARIZONA law aw specifically allows private process servers to charge whatever fee they negotiate with their clients.</p> <p>* CALIFORNIA sheriffs in most counties no longer provide service of process for non-enforceable process in private civil lawsuits.</p> <p>* COLORADO law allows localities to establish of process fees; many localities charge FOR EACH SERVICE ATTEMPT.</p> <p>* CONNECTICUT law requires fee of \$1.00 per page for each document or copy served, in addition to all other statutory fees.</p> <p>* DELAWARE law allows individual counties to set sheriff service fees. Rates for New Castle County (Wilmington, DE) are shown.</p> <p>* DISTRICT OF COLUMBIA does not regulate process service fees, other than US Marshal fees. Private servers average: \$75-\$150.</p> <p>* FLORIDA service of process fees are statutorily non-refundable, even if service is unsuccessful.</p> <p>* HAWAII law allows process servers to be paid \$50/hour for their work, in lieu of statutory fees.</p>							

STATE	SUMMONS	SUBPOENA	GARNISHMENT	ORDERS	ADDITIONAL MILEAGE CHARGE	BAD ADDRESS OR NOT FOUND	EXTRA FEE FOR OUT-OF-STATE
Michigan	\$21	\$21	\$18	\$21	Yes	\$10	Not specified
* IOWA law requires the sheriff to repay for all expenses incurred if a defendant cannot be located or the service is unsuccessful.							
* IDAHO law allows individual counties to set sheriff service fees. Rates for Boise, ID are shown.							
* IDAHO law also requires an additional \$10 fee for preparing a Proof of Service for each paper served. This is included above.							
* ILLINOIS law sets low baseline state fees, but 1st and 2nd class counties can increase those fees by ordinance. All have higher fees.							
* ILLINOIS law sets fees for all 3rd class counties, including an additional \$15 Return of Service Fee and a mandatory \$10 mileage fee.							
* ILLINOIS law imposes an additional \$5.00 for a Proof of Service							
* ILLINOIS sheriffs often list a package price that includes all service fees and mileage combined based on location.							
* ILLINOIS counties vary widely in mileage fees; some charge as little as \$0.50/miles; many others charge \$2.00/mile.							
* ILLINOIS counties can require payment of the full service of process and mileage fees FOR EACH SERVICE ATTEMPT.							
* KENTUCKY law allows counties to impose an additional \$10 for summons and subpoenas as local court fee.							
* LOUISIANA law establishes different service fees for sheriffs, constables in the city of New Orleans, and constables elsewhere in the state.							
* MAINE statutes allow local governments to establish service of process fees in excess of a minimum state baseline.							
* MASSACHUSETTS law also requires a service fee of \$0.50/page for each document served by sheriffs and constables.							
* MINNESOTA process fees are set locally, county-by-county, except for Ramsey County							
* MISSOURI law sets minimum baseline fees, counties can increase those fees by ordinance. Most have higher fees.							
* MISSOURI - Many sheriff departments charge full service and mileage fees FOR EACH SERVICE ATTEMPT.							
* MONTANA law sets minimum baseline fees, counties can increase those fees by ordinance. Most have higher fees.							
* NEW YORK law sets baseline fees, but counties can increase those fees. Many have higher fees.							
* NEW YORK - many Sheriffs charge an additional fee for Proofs of Service and notary services.							
* OREGON law specifically allows private process servers to charge whatever fee they negotiate with their clients.							
* PENNSYLVANIA law sets baseline fees, but counties can increase those fees. Many have higher fees.							
* SOUTH CAROLINA law sets a fee of \$15 to serve summons and \$10 to serve subpoenas, but two additional attempts are billable at \$5 each.							
* TENNESSEE law allows sheriffs to receive a fee FOR EACH SERVICE ATTEMPT in some cases.							
* TEXAS law allows local county commissioners to set the service of process fees for sheriffs and constables. They vary widely across Texas.							
* TEXAS - Harris County (Houston) Constables are paid \$120,000/year base salaries - PLUS fees of \$10 to \$20 for serving "notices to vacate."							
* UTAH law sets baseline fees, but allows local county legislatures to set the service of process fees of the sheriff.							
* UTAH law sets a mileage fee of \$2.50/mile, one way (up to 100 miles) for service of process with a maximum of two additional trips.							
* WASHINGTON law sets baseline fees, but allows local county legislatures to set the service of process fees of the sheriff.							
* WISCONSIN service of process fees are statutorily non-refundable, even if service is unsuccessful.							
* WISCONSIN law sets minimum fees, but allows local county legislatures to set higher service of process fees of the sheriff.							
* WISCONSIN - Calumet County Sheriff charges \$45.00 for each additional service attempt.							
* WISCONSIN - Manitowoc County fees cover only ONE service attempt. Additional attempts \$30 each, up to max of 3 attempts.							
* WISCONSIN - Milwaukee County fee covers 3 service attempts; additional attempts are \$35 each.							
* WYOMING state statute allows the sheriff to charge an additional \$10 per attempt after the first 3 attempts.							